



Insights from the Evaluation of Be@School's Family Group Conferencing as Alternative to Court Petition Pilot Project

Prepared by

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Background

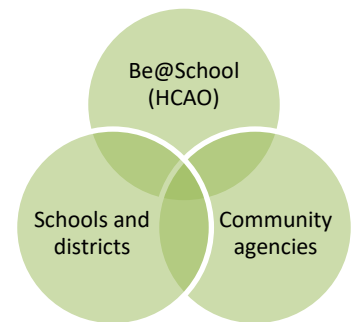
In each of the last four years, between five and eight thousand young people were reported to the Hennepin County Attorney’s Office (HCAO) for violating Minnesota state truancy statutes. Since at least 2010, the HCAO has been engaged in efforts to improve truancy intervention services in the face of evolving scientific and practice evidence that punishment or the threat of punishment to students and families through the criminal legal system is ineffective in addressing or deterring truancy. Through their Be@School initiative, the HCAO has created and continues to evolve services designed to support and meet the needs of students and families identified as truant.

In line with this continuing evolution in services, beginning in 2018, Be@School staff agreed to partner with the Youth Restorative Justice Initiative (YRJI), a collaboration of people and organizations working to build a comprehensive model of restorative justice approaches at all decision points in the criminal-legal system. The project sought to acknowledge, address, and create meaningful alternatives to the ultimate underlying threat of criminal-legal action with new approaches that were restorative, developmentally appropriate, and research-based. Concerns that court petition for truancy violations is neither effective nor appropriate prompted interest in this pilot project.

Relevant background information and key concepts that inform this report include:

Truancy Procedures in Hennepin County. The HCAO policy for school reports of truancy includes three key institutions (Be @ School, schools & districts, and community agencies), and the following procedures:

1. After six days of unexcused absences, schools report truancy violations for youths ages 12-16¹ to the HCAO Be@School program. This is referred to as a “Report 1” violation. At this stage, the Be@School program sends a letter to parents notifying them of the referral, truancy statutes, and availability of supportive services.
2. After nine days of unexcused absences, a second report is required. This is considered a “Report 2” violation. At this stage, HCAO frequently refers the student and family to a community agency for voluntary case management services to assess needs affecting school attendance and connect to resources.
3. Report 3 violations, at 14 days, are reviewed only in educational neglect cases for possible referral to child protection services.
4. Finally, Report 4 truancy violations occur after 22 days of unexcused absences from school. At this stage, the county attorney reviews the truancy case for additional services or possible court petition, during which dispositions articulated under Minnesota Statutes [260C.201](#) may be imposed.



Restorative Family Group Conferencing. Beginning in the 2018-19 school year, the Be@School program partnered with the Legal Rights Center of Minneapolis to begin offering a restorative justice practice, Family

¹ Persistent unexcused absences for children 11 and under are considered educational neglect rather than truancy, and are not the focus of this report.

Group Conferencing (FGC), as an alternative intervention to court petition for Report 4 truancy violations. The LRC has been one of the community providers for the “Report 2” referrals for longer, and this partnership grew out of that relationship, but designed specifically as an alternative to court petitions. The Legal Rights Center’s FGC model incorporates principles of healthy youth development to create an environment for youth and families to have their strengths, needs, and goals centered. School staff participate to address ongoing engagement issues and strengthen or repair existing relationships between the student, family and school. The end goal is to establish the ability of the student, family and school to work together to positively reengage the student at school.

Youth Restorative Justice Initiative. The Youth Restorative Justice Initiative (YRJI) is a collaboration among the International Association of Trial Lawyers, Koinonia Leadership Academy, Legal Rights Center and the University of Minnesota Healthy Youth Development * Prevention Research Center. The YRJI aims to share lessons learned and develop implementation guidelines to prevent criminalization and instead support all young people by integrating restorative practices - processes such as peacemaking circles, victim-offender mediation and family group conferencing that use collaborative, contextualized and tailored processes to determine harm, accountability and steps needed to make amends - across all decision points (i.e., within schools, police, county prosecution and courts) on the school-to-prison pipeline. The initiative includes evaluation and reporting on restorative practices to establish their effectiveness and cost efficiency; the creation of educational materials; integration with human trafficking prevention curriculum and training for all participants; and a national roll-out of restorative justice approaches via Academy Fellows and other resources.

Racial Equity. The YRJI projects seeks to be transparent in naming that racial equity is a core goal. Racial equity is the condition that would be achieved if one's racial identity no longer predicted, in a statistical sense, how one fares. We are explicit in our belief that any investigation of current practices *and* any implementation of restorative justice must include a focus on the elimination of policies, practices, attitudes and cultural messages that reinforce differential outcomes by race.

Healthy Youth Development. The YRJI project also intentionally draws on the science of youth development to incorporate understanding of changes experienced during adolescence as key opportunities that communities, families, and society can actively support. We recognize that healthy development is:

- influenced heavily by societal decisions in allocating access to opportunity
- uneven, even more so when young people are impacted by personal or historical trauma
- best supported by youth-centered, not system-centered, approaches

Systems Change. The YRJI project intentionally incorporates a systems change lens into the intervention and evaluation design. The systems change models² we draw from:

- Define a system as a group of inter-related thing that work together as a whole
- Understand systems through a process that figures out the forces at play in that system that actively work to uphold the status quo.
- Propose changing a system by identifying and strategically planning to transform the forces that work against needed change.

² Water of Systems Change model, FSG, https://www.fsg.org/publications/water_of_systems_change

In this report, we reflect specifically on emerging insights related to questions of systems change over the past three years of collaboration, especially in the context of the global COVID-19 pandemic which interrupted planned activities while also creating the opportunity for deeper reflections.

Evaluation Questions

We originally developed the following evaluation questions to guide our learning about the proposed Family Group Conferencing pilot project:

1. What evidence exists that addresses whether the proposed FGC model may be more effective than the current court-petition model?
2. Under what conditions does LRC's FGC model offer a feasible and promising model to court petitions for Report 4 truancy intervention?
3. Does the FGC model show evidence of being more effective than court petitioning for report 4 truancy intervention in establishing accountability and re-engaging students in school?

As we met and considered the new reality of 2020 and 2021, the following additional evaluation question emerged:

4. When considering the historical and current drivers of truancy intervention by the criminal-legal system, what evidence exists and what questions emerge about collective responsibility for truancy, the impact of interventions, and the underlying logic of systems that are important for developing new and more effective approaches?

Methods

To investigate these questions, Be@School staff referred youth who were otherwise eligible to be court-petitioned to LRC for involvement in their FGC program. Be@School and Legal Rights Center staff also shared data with the program evaluation from the University of Minnesota. Data reviewed included:

- Total number of Be@School truancy referrals between September and March 31st for the year after either court petition or FGC involvement
- Case files of FGC program records for Legal Rights Center referred youth

The program evaluator, two Legal Rights Center staff and two Be @ School staff reviewed and reflected upon existing literature, practice wisdom and evaluation results to interpret findings and develop questions for future research.

Results

While full exploration of the program was not possible due to limitations imposed by the COVID-19 pandemic, there have been important insights. These insights are shared below as they relate to evaluation questions that were developed collaboratively by staff from Be@School, LRC, and the University of Minnesota when the program was launched in 2018.

Question 1: What evidence exists that provides a theoretical foundation for how and whether the proposed FGC model may be more effective than the current court-petition model?

Multi-disciplinary research indicates the relational nature and developmental trajectories of human beings.^{3,4} This research suggest that problem-solving approaches in society should center relationships and be tailored to ages, stages and life contexts of individuals. For example, a key task of adolescence is to “meet the demands of increasingly mature roles and responsibilities”⁵ indicating youth should not yet be treated as adults fully responsible for their actions. Additional research shows that while 15-17 year-olds experience substantial growth in their capacity for abstract thought, it is typical for them to revert to concrete thought under stress.⁶ Applying this research base implies youth need relationship- and strengths-based opportunities to move through the tasks of adolescence (including when they make mistakes) and have those opportunities aligned to the specific cognitive, emotional and social milestones of their developmental stage. Further, research shows policies seeking to impact behavior through persistent and escalating punishments are largely unsuccessful in both school⁷ and community⁸ settings. Alternatively, restorative justice approaches that take a more contextual view of harm (to consider both individual and community responsibility), address harm as a violation of people and relationships, and involve stakeholders in establishing accountability for addressing harm are more aligned with social science on what youth need to grow and learn.

Practice wisdom corroborates these research findings. Team reflections throughout this project included:

- Acknowledgement that essentially all youth who reach a Report 4 violation face serious barriers to school attendance, including homelessness, chemical dependency, school pushout, etc. For example, LRC facilitators reflected that the Be@School referrals are some of the most challenging in their work, despite serving many youth impacted by the criminal legal system. In many cases, successful engagement with the program as an indicator obscures that extensive problem solving, such as sorting out transportation barriers or other service gaps, occurred with many families and youth who were never able to fully engage in LRC’s services.
- Concerns that a community agency model of support for Report 2 violations that is limited to 90 days may be incongruent with a youth-centered approach. More time is needed to ensure accurate needs assessments so students and families have a clear say as to whether they want additional services and are matched with the most appropriate resources.
- Identification of problematic belief systems at play in asking the criminal-legal system to address truancy violations, especially the tendency to isolate behavior and focus on determining whether a youth bears “culpability” for their truancy.

³ Erikson, E. (1968). *Identity: Youth in Crisis* (p. 94). New York: W.W. Norton

⁴ Simpson, A. Rae (2001). *Raising Teens: A Synthesis of Research and a Foundation for Action*. Boston: Center for Health Communication, Harvard School of Public Health.

⁵ Simpson, A. Rae (2001). *Raising Teens: A Synthesis of Research and a Foundation for Action*. Boston: Center for Health Communication, Harvard School of Public Health.

⁶ Konopka Institute for Best Practice in Adolescent Health. (2015) *Stages of Healthy Adolescent Development*. Minneapolis, MN

⁷ Skiba, R.J., Eckes, S.E., and Brown, K. (2010). African American Disproportionality in School discipline: the Divide Between Best Evidence and Legal Remedy. *New York Law School Law Review*, Vol 54. Also, Mallett, C. A. (2016). The school-to-prison pipeline: A critical review of the punitive paradigm shift. *Child & Adolescent Social Work Journal*, 33(1), 15-24.

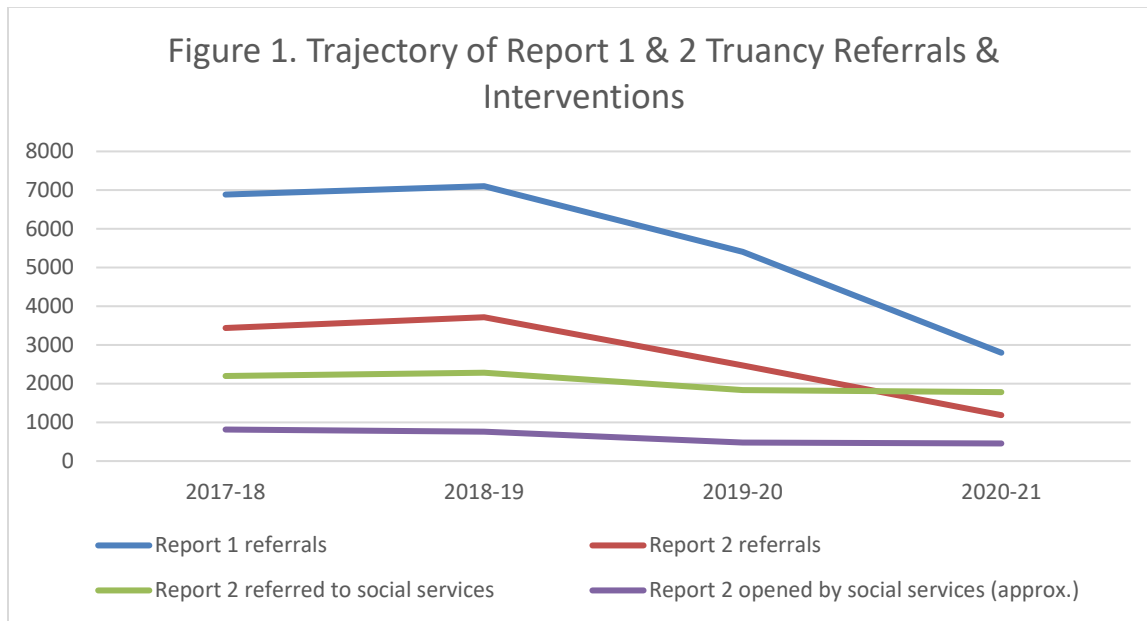
⁸ Sitren, A.H. & Applegate, B.K. (2012) Testing Deterrence Theory with Offenders: The Empirical Validity of Stafford and Warr's Model, *Deviant Behavior*, 33:6, 492-506, DOI: 10.1080/01639625.2011.636685

As a final recognition that court petitions are inappropriate and ineffective response to truancy violations, the Be@School program shared that all 31 court-petitioned cases in 2018 were dismissed, and that the practice of petitioning juveniles to court for truancy violations was ended in 2021.

INSIGHTS – Approaches aligned with youth development, and that recognize shared responsibility for youth truancy, need to be developed and implemented. Research and practice suggest that threats of court petition are not an effective deterrent in the face of overwhelming challenges many youth and families face. There is a compelling interest in restorative, relational and developmentally-tailored approaches to addressing truancy, including focusing more attention on societal and school responsibility for student engagement and attendance.

Question 2: Under what conditions does LRC’s FGC model offer a feasible and promising model to court petitions for Report 4 truancy intervention?

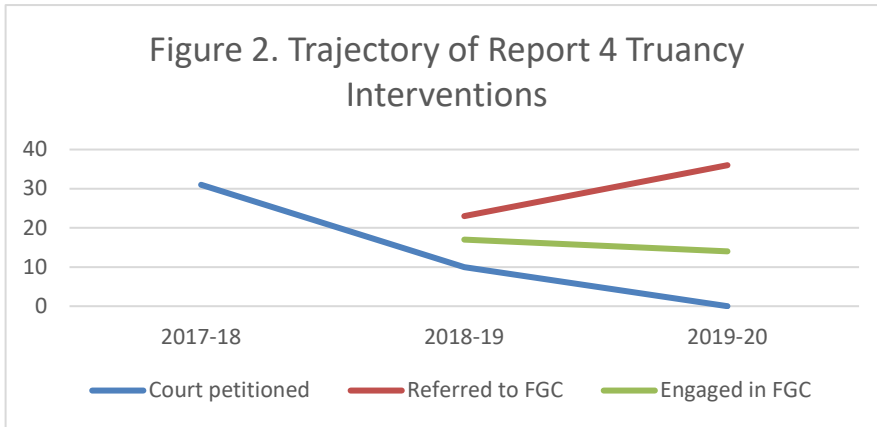
As important context for this question, we first reviewed trajectories of truancy referrals in Hennepin County over four school years. Beginning with Report 1 and Report 2 referrals (Figure 1), truancy referrals dropped significantly, especially during the COVID-19 pandemic. Report 1 truancy referrals were received from 26 different school districts in Hennepin County. Between 42-52% of these referrals continued on to a second report across the 4 years. A relatively stable number of these report 2 cases were referred to 13 social service agencies. Over time, agencies opened between 23% (2019-20 and 2020-21) and 37% (2017-18) of these cases.



The COVID-19 pandemic is very likely a factor in both the decreasing number of referrals from school districts and the decreasing rate of opened cases by social service agencies. Schools may not have prioritized referring children for truancy, especially in the 2020-21 school year. For example, the average number of unexcused

absences at the Report 1 referral point in 2020-21 was 22.5 days, compared to between 11.6 and 11.9 in all previous years. Additional details on truancy trajectories is shared in Table 1 of Appendix A.

While thousands of youth are referred to Be@ School for truancy violations, very few over the course of this evaluation became eligible for court petition. According to Be@School staff, the county attorney’s office regularly reviews more than 300 Report 4 truancy referrals annually. At this stage, social workers within the HCAO review and exclude from eligibility for court petition any cases of youth with extenuating circumstances such as mental health, chemical health or family (e.g., housing instability) needs. While these cases are excluded from potential punitive measures at the HCAO, we were unable to assess whether other interventions occur.



Thus, as shown in Figure 2, only 31 young people were court-petitioned in 2017-18, 10 in 2018-19, and zero in 2019-20. In 2018-19, the Be@School program began referring youth eligible for court petition to the LRC’s family group conferencing program, resulting in 23 referred cases, 74% (17) of which engaged in at least one conference. In 2019-20 as the pandemic began to impact all referrals and services, 36

youth were referred and engagement was lower at 38% (14).

INSIGHTS – Results provide initial evidence that family group conferencing is a feasible alternative to court petition, given a 74% open rate in 2018-19 compared to the approximately 30% rate that social services organizations attain for Report 2 referrals. These results also highlight that hundreds of young people are missing school at high rates in Hennepin County and it is unclear whether current approaches are meeting their needs. Continued investment in finding effective alternatives is warranted.

Question 3: Does the FGC model show evidence of being more effective than court petitioning for report 4 truancy intervention in establishing accountability and re-engaging students in school?

Because of the negative impact on program plans due to the COVID-19 pandemic, further inquiry into the feasibility of the FGC model is focused on data from 2017-18 and 2018-19. We reviewed and compared data for the 41 youth who experienced court petitions in either the 2017-18 or 2018-19 school year and compared it to similar data for the 23 youth who were instead referred to the Legal Rights Center for their restorative FGC program in 2018-19. Be@School staff reviewed their database to see whether these same students had been reported in the following school year for additional truancy violations. We reviewed the total number of truancy referrals between Sept 1 and March 1 of the following school year, average total days missed, and average number of reports.

Table 1 indicates promising patterns of fewer referrals in the following school year, with a higher percentage of youth referred to FGC having no truancy referrals and a lower percentage not reaching a report 4 referral. Two in five youth who participated in FGC had no reported truancy violations the next year, and none of the youth reach the level to qualify for a court petition.

Table 1: Truancy involvement in the following year for youth with Report 4 truancy

Attendance & # referrals by 3/1 of following school year	Court Petitions (n=41)		LRC FGC Referrals (n=23)	
	n	%	n	%
None	14	34%	10	43%
Report 1-2	19	46%	13	57%
Report 4	8	20%	0	0%
Avg days missed	14.5		12.3	
Avg # truancy reports	1.7		1.1	

We were also interested in investigating whether outcomes were influenced by the success or level of participation in the FGC program. Thus, data in Table 2 show further detail of how the results for the 23 youth referred to FGC in 2018-19 varied by program engagement. While we caution strongly against drawing conclusions from these small numbers, we note some promising evidence. For example, youth who fully met the goals established during the FGC process in 2018-19 averaged 9.7 days missed the following year, compared to overall average of 12.3 days missed.

Table 2: Outcomes of youth referred to LRC in 2018-19 by success in program

	2018-19 FGC All Referred (n=23)		2018-19 FGC Met Goals (n=6)		2018-19 FGC Partially Met (n=6)		2018-19 FGC Did Not Meet (n=5)		2018-19 FGC Did Not Engage (n=6)	
	N	%	N	%	N	%	N	%	N	%
Truancy outcomes by 3/1 of 2019-20 school year										
0 referrals	10	43%	3	50%	2	33%	2	40%	3	50%
1-3 referrals	13	57%	3	50%	4	66%	3	60%	3	50%
Avg days missed	12.3		9.7		13.2		10.8		15.2	
Avg # reports	1.1		1		1		1.2		1.3	

We conducted structured reflections by LRC staff to further illuminate lessons about effectiveness of the FGC model. Staff reflected on observed patterns among referrals that seemed to affect success, such as whether families had engaged with community agencies at Report 2 and the extent to which families felt overwhelmed by interactions with multiple government and social services providers. LRC staff noted that families that reach the Report 4 referral stage are nearly all in some level of crisis and requested continual attention on better understanding when and how to conduct comprehensive needs assessments and match families with “best fit” services.

LRC staff also noted their belief that FGCs were more likely to be successful when schools are involved in each stage of the process, as schools have primary responsibility for ensuring student engagement and ideally have the closest relationship to students and families. Reflections raised the possibility that schools may hesitate to report truancy violations (average number of unexcused absences for Report 1 violations was 11.6 in 2017-18 despite the requirement saying it should happen after 6 unexcused absences). This hesitation could exist for multiple reasons, including that schools do not want youth to have a criminal record for truancy violations or that schools do not want to take responsibility for failure to meaningfully address student needs. Yet, schools and the county need an effective working relationship to better partner in support of families. Schools may also need more exposure to models such as the FGC, as LRC staff reflections noted those with more experience in accepting the shifts in power that occur when accountability for attendance is equally placed on both schools and students/families are more positive about the FGC experience.

INSIGHTS – Preliminary evidence suggests FGC may be more effective than court petitions. However, the barriers, burdens and extreme levels of disconnection from school experienced by families at this level of truancy indicate a pressing need for better and earlier interventions.

Question 4. When considering the historical and current drivers of truancy intervention by the criminal-legal system, what evidence exists and what questions emerge about collective responsibility for truancy, the impact of interventions, and the underlying logic of systems that may assist in developing new and more effective approaches?

While minimal data was available to assess this question, we were able to review in detail the accountability plans for nine cases from the 2019-20 school year. As shown in Table 3, seven of these nine cases clearly named a school-based factor that contributed to truancy (e.g., lack of relationships, lack of respect for student). On the other hand, only 3 accountability plans clearly included a formal action on the part of the school to address the school-based factor impacting truancy. Finally, only one included evidence that the school completed their action.

Table 3: Review of 9 LRC FGC cases with systems accountability lens

	Concern raised in FGC about school?		School accountability action including in plan?		School action step completed?		Cased closed successfully?	
	Yes	No	Yes	No / No info	Yes	No	Yes	No
9 cases	7	2	3	6	1	2	5	4

This evaluation question also spurred a review of the origin of truancy laws and why they are enforced through the criminal-legal system as opposed to through the social services system. This resulted in discovery that truancy laws were originally developed to address child labor and other exploitation of children, especially children in poverty. These laws sought to prevent businesses from enticing children away from their right to an education. Despite this original focus on preventing the oppression of children, laws and society shifted over time to more closely focus on holding children, rather than systems, accountable for truancy. These reflections caused the team

to wonder what systems and societal decisions currently perpetuate unequal access to education and whether new approaches would emerge if more attention were paid to this historical and systemic lens.

INSIGHTS – Beginning to address system accountability for school pushout may be a needed in lieu of or in addition to county truancy services. Restorative approaches to accountability emphasize shared responsibility. Designing new approaches that include an understanding of the historical purpose of truancy laws and shared accountability – including for historical harms perpetuated by criminal-legal system approaches on youth of color and poor youth - may be warranted to reach transformative solutions.

Discussion and Next Steps

During the course of this evaluation, Hennepin County made the decision to cease the practice of petitioning youth to court for truancy violation. This is an important step in recognizing that science now clearly indicates that punishments and threats of punishment are ineffective both in addressing and preventing truancy. Preliminary findings from this evaluation also indicate FGCs hold promise as a more effective response than court petition. However, additional issues were raised that indicate pressing concerns about the extent to which truancy structures focused on youth and families – even as they seek to better pair supportive services within accountability structures - are an effective response for truancy. Rather, findings invite reflections on what might happen if accountability structures for truancy returned to their roots of focusing on systems that are pushing youth away from school.

In reflecting on the data shared in this report, we note many systems and structures are implicated in school pushout. We reflect specifically on the roles schools, community-based agencies and county systems have, and questions raised during the course of this project that might help these system acknowledge and address shared accountability for truancy.

- Schools
 - Overall referrals to B@S seem to have been on a consistent decline over the past 4 years. In 2020-21, referrals were half that of the prior year but average number unexcused days at first report doubled. What opportunities are there to collaboratively explore with schools the reasons for these larger trends that were exacerbated during the COVID-19 pandemic?
 - What practices exist that hold schools accountable for pushout of students who experience burdensome life challenges? If schools are contributing to truancy by making students feel unwelcome or disrespected, how can practices, such as a FGC, happen sooner and more systematically so students and families can name these dynamics prior to extensive truancy? What kinds of structures might be missing in school so young people experiencing difficult issues are able to disclose and ask for help in confidential ways?
- Community Based Agencies
 - Beyond transparency with data related to the engagement rate of Report 2 referrals, what comes next in terms of possible shared learning, technical assistance, and clarifying good practices for services at

this stage? Agencies consistently opened less than 1/3 of referrals over this 4-year period. While the rates of individual agencies were mostly consistent over time, there are large variations between agencies.

- What additional data might be collected at this stage to better understand the systemic and societal factors that are pushing young people out of school? How many young people name school factors as a factor in their truancy?
- What are differences in practices between traditional case management services and restorative FGCs that may lead to observed differences in engagement rates (about 25% to over 66%)? What additional data is available to assess effectiveness of these practices, not just engagement rates?
- County systems & related societal policy decisions
 - What other inquiries are occurring into the effectiveness of Be@School approach?
 - Has there been or could there be an inquiry into whether referrals opened at Report 2 have fewer future truancy reports than cases not opened? Are there case management approaches or providers that seem more effective in preventing further referrals?
 - What data inquiries could assess the extent to which the HCAO is being asked to hold youth accountability for something for which society holds collective responsibility? For example, to what extent are there observed patterns in school pushout among youth/families who experience truancy violations, such as:
 - Living in households whose workers are under-employed?
 - Living in neighborhoods that were red-lined in the middle 20th century and still suffer the effects of low home ownership rates and unstable housing?
 - Having previous child protection, social service, juvenile justice or other county involvement that ostensibly was meant to address their needs?
 - What solutions are available to get youth and families the services they need without court petitions? Too often, county attorneys and school administrators are convinced a truancy petition is the only way to get a youth and family the resources they need.

Systems can promote the health, education, and development of young people by providing them and their families with the supports they need to succeed. The data and insights shared in this report invite reflection on the reality that young people in Hennepin County are still missing school at harmful rates and need allies to work to disrupt the forces that uphold a status quo which pulls them away from school. Approaches focused on racial equity, healthy youth development and system change are needed.

Contact Us!

Direct any questions, comments or concerns to:

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APPENDIX A

Table 1: Overall flow of Hennepin County Truancy Referrals

2017-18	2018-19	2019-20	2020-21
<ul style="list-style-type: none"> • 6,887 Report 1 truancy referrals received from 26 different school districts in Hennepin County* <ul style="list-style-type: none"> ○ Average # of unexcused absences at first report: 11.6 • 3,441 Report 2 truancy referrals received from 24 school districts* <ul style="list-style-type: none"> ○ Of these, 2,202 cases referred to 13 social service agencies. ○ Approximately 37% (815) were opened to assess and address barriers to attendance • 31 young people were court-petitioned after Report 4 truancy referrals** 	<ul style="list-style-type: none"> • 7,102 Report 1 truancy referrals received from 27 different school districts in Hennepin County* <ul style="list-style-type: none"> ○ Average # of unexcused absences at first report: 11.9 • 3,716 Report 2 truancy referrals received from 24 school districts* <ul style="list-style-type: none"> ○ Of these, 2,283 cases referred to 13 social service agencies. ○ Approximately 33% (763) were opened to assess and address barriers to attendance • 43 young people reached a level of reported absences making them eligible for court-petition** <ul style="list-style-type: none"> ○ 23 referred to LRC for FGC ○ 10 court-petitioned 	<ul style="list-style-type: none"> • 5,405 Report 1 truancy referrals received from 25 different school districts in Hennepin County* <ul style="list-style-type: none"> ○ Avg # unexcused absences at first report: 11.6 • 2,474 Report 2 truancy referrals received from 25 districts* <ul style="list-style-type: none"> ○ 1,831 cases referred to 13 social services agencies ○ Approximately 23% (478) were opened • At least 36 young people reached a level of reported absences making them eligible for court-petition <ul style="list-style-type: none"> ○ 36 referred to LRC for FGC ○ 0 court-petitioned 	<ul style="list-style-type: none"> • 2,799 Report 1 truancy referrals received from 25 different school districts in Hennepin County* <ul style="list-style-type: none"> ○ Avg # unexcused absences at first report: 22.5 • 1,186 Report 2 truancy referrals received from 24 districts* <ul style="list-style-type: none"> ○ 1,781 cases referred to 12 social services agencies ○ Approximately 23% (455) were opened • Data on number eligible for court petitioned or referred to LRC not provided

*Source: Be @ School Annual Agency and School Report Cards

**Source: Be @ School and Legal Rights Center staff